

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**
RICHARD B. SHORTELL,

Petitioner,

**9:20-cv-62
(GLS/DJS)**

v.

SUSAN KICKBUSH,

RESPONDENT.

APPEARANCES:

OF COUNSEL:

FOR THE PETITIONER:

RICHARD SHORTELL

Pro Se

18-A-0370

Groveland Correctional Facility

7000 Sonyea Road

Sonyea, NY 14556

FOR THE RESPONDENT:

HON. LETITIA JAMES

New York State Attorney General

28 Liberty Street

New York, NY 10005

JAMES FOSTER GIBBONS

Assistant Attorney General

**Gary L. Sharpe
Senior District Judge**

ORDER

On August 30, 2021, the court ordered petitioner to notify the court by September 14, 2021 of his current address and/or verify that his mailing address is as listed in the caption of this Order and file any objections to

Magistrate Judge Daniel J. Stewart's Report-Recommendation and Order (R&R). (Dkt. No. 25.) The court warned petitioner that his failure to comply with the Order would result in dismissal, and a copy of the Order was sent to petitioner's last known address. (*Id.*)

Petitioner has failed to so notify the court of his current address or file any objections to the R&R.

Accordingly, it is hereby

ORDERED that this action is **DISMISSED** for petitioner's failure to notify the court of his address change, for failure to prosecute, and failure to comply with the Court's August 30, 2021 order; and it is further

ORDERED that, finding no clear error, the Report-Recommendation and Order (Dkt. No. 23) is **ADOPTED** in its entirety; and it is further

ORDERED that the petition (Dkt. No. 1) is **DENIED** and **DISMISSED**; and it is further

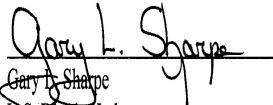
ORDERED that no certificate of appealability shall issue because petitioner has failed to make "a substantial showing of the denial of a constitutional right" as required by 28 U.S.C. § 2253(c)(2); and it is further

ORDERED that the Clerk close this case; and it is further

ORDERED that the Clerk serve this Order on petitioner at his last

known address and on all other parties in accordance with the Local Rules of Practice.

September 22, 2021
Albany, New York



Gary L. Sharpe
U.S. District Judge